1944

File No. Town Plan II / 44

Legal Department

K **BRANCH**

Subject:—

Rules and Notifications under the Bombay Town Planning Act, 1915.

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File No. Town Plan II / 44

Gen. 194 e.

213-B

Office of the R.L.A.

In place of the draft notification at p. 13, two revised draft notifications are sent herewith. It is presumed the draft scheme was published in one or more newspapers as required by rule 6(5) ofthe rules made under section 52 of the Bombay Town Planning Act, 1915.

Sd/- P.N.M.
25-2-44

Remembrancer of Legal Affairs.

U.R. to C.D., No. 1513 , dated 26th February 1944.

S.C.12/7

4 copies.

Office of the R.L.A.

Government has already accepted R.L.A.'s opinion No. 6099 dated 11th September 1943, and has decided to scrap both the schemes, and has accordingly refused sanction under section 9(6) of the Town Planning Act, 1915 to the making of the additional scheme. The Municipality has now submitted the original draft scheme for sanction , and as it appears to include lands other than those with reference to which sanction under section 9(6) was given.R.L.A. is requested to say whether there is any objection to refusing sanction. The answer is in the negative. The Municipality cannot validly add to the area already approved in submitting the draft scheme under section 14(1) of the Act. Government having already decided to refuse sanction, this irregularity is an additional reason for refusing the sanction.

Sd/- P.N.M.
24-3-44

Remembrancer of Legal Affairs.

U.R. to G.D., No. 2233 , dated 24th March 1944.

S.C. 12/7

copies.

Office of the R.L.A.

A revised draft notification in place of the draft notifica tion at p. 37 ante is sent herewith. G.D. should verify if the conditions in the revised draft are in order.

2. The draft notification at p. 39 ante is in order. The dela in returning the papers is regretted. The notification may still issue quickly though 13th June 1944 is past, since the period prescribed (section 14(2) read with rule 8(4) is only directory in relation to the Provincial Government.

Sd/-P.N.M.
17-6-44

Remembrancer of Legal Affairs.

U.R. to G.D. No. 4279 , dated the 19th June 1944.

Office of the R.L.A.

The Under Secretary, General Department's proposal to republish the notifications under the same number and date viz. 26th June 1944 is not legally feasible. It will suffice if Government notification, General Department, No. 4559/33, dated 26th June 1944 at page 49 ante is amended by substituting revised conditions for the existing ones. The requisi draft notification in this behalf is sent herewith. As - requested by the R.L.A. in para 1 of his opinion No. 4279, date the 19th June 1944, the G.D. should have verified the condition in the revised draft supplied by him be-fore issuing the notification. That would have obviated the necessity of the present amending notification.

Sd/-P.N.M.
7-8-44

Remembrancer of Legal Affairs.

U.R. to G.D. , No. 5599, dated the 9th August 1944.

S.C. 12/7

4 copies.

Office of the R.L.A.

The draft notifications at pages 71-73 ante, as formally amended, are in order.

2. A recital to the effect that the Scheme was published in the prescribed manner under section 10 of the Bombay Town Planning Act, 1915, has been added, as recital No. 2 in the draft notification at page 71. The operative part of the notification sanctions the scheme "as modified". This wording is meant to relate the sanction to what the Municipality submitted on 18-9-1943 (i.e. within the prescribed time) rather than to the amended draft which the Municipality submitted on 12-6-1944 (i.e. after the prescribed time).

Sd/-P.N.M.
12-9-44.

Remembrancer of Legal Affairs.

U.R. to G.D., No. 6405 , dated the 13th September 1944.

S.C. 12/7

4 copies.

Office of the R.L.A.

A revised draft notification in place of the draft notification at page 25 is sent herewith. The draft notification at page 27, as formally amended is in order.

2. There is no legal objection to sanctioning the scheme in the present case although more than two months have passed since the expiry of the statutory period.

Sd/-P.N.M.
2-11-44

Remembrancer of Legal Affairs.

U.R. to G.D. No. 7585 dated the 2nd November 1944.

S.C. 12/7
4 copies.

Office of the R.L.A.

The words "as modified" obtaining in the operative part of the notification at p. 83 ante cover all the modifications , that is those intially made by the Municipality but adopted and so deemed to be made by Government and those made by Government. It will be seen from the papers within that there was hardly any time to ask G.D. to scrutinise the modifications in detail for the purpose of specifying them in the draft notification as the statutory period of twelve months was expiring on the 17th September 1944. The consulting Surveyor is perhaps unaware of the reasons for the insertion ofthe words "as modified " as explained in para. 2 of R.L.A.'s opinion No. 6405 dated the 13th September 1944. The scheme is kept open to the inspection of the public and consequently the public would have access to it and would have no difficulty in knowing what the "modified" Scheme is. There is however no legal objection to specifying the modifications now as desired by G.D. The requisite draft notification is sent herewith. The G.D. is requested to insert the modifications in the said draft before it is issued.

Id/-
P.N.M.
3/11/44

Remembrancer of Legal Affairs,

U.R. to G.D. No. 7639 dated the 3rd November 1944.

S.C. 12/7

4 copies.